IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE JURISDICTION

Writ Petition No.442 of 2005
with
Civil Application No.l985 of 2005

Ms Padmavati B Sachdeo... Petitioner

vs

The Commissioner Thane Mun
Corporation and ors..Respondents

Mr.J S Chandnani for petitioners
Mr.R.S.Apte for respondent nos.l to 3
Mrs M.P.Thakur for respondent nos. 4 to 8
Mr A G Damle for S Gawde for Respondent no.9
Mr.S.P.Kanuga for applicant in C.A.

CORAM:F.I.REBELLO & Smt R.S.DALVI JJ.

Dated 2l.ll.2005

P.C:

. Rule. Heard forthwith.

l. The petitioner approached this court on the ground that the land in which he is claiming a right has been encroached upon and illegal construction has been put up, for which a civil suit has been filed. An application for interim injunction was also taken out in which it appears that the civil court has granted mandatory injunction for demolition of the structure.The respondent no. 9 the affected party has preferred an appeal, which appeal is pending. Apart from

that the learned counsel for respondent no. 3 has filed an affidavit detailing the steps that they have taken for removal of the illegal construction. In the meantime this court has also appointed Receiver in respect of the said property and the Receiver is now in possession of the said property.

2. Apart from that it was pointed out that the respondent no. 9 preferred a revision application before the respondent no.6 which is pending to which petitioner is party. Similarly the applicant herein in Civil Application No. l985 of 2005 has also preferred revision application before respondent no. 6 claiming right in the property which is also pending before respondent no.6.

3. This court vide order dated 6.7.2005 has given directions that the revision application of the respondent nos. 9 and l0 be disposed within four weeks. The learned counsel pointed out that the revision applications have not been disposed of as in the meantime the Act under which revisions were filed had been repealed on 4.9.2005. It is the submission of the learned counsel that inspite of the repeal considering the provisions of the General Clauses Act pending proceedings will continue. It is not for this court to decide that

controversy. It will be open for the respondent authority, after hearing the petitioner and respondents and applicant who are before this court to decide the said controversy. Normally respondent no. 6 should have decided the same within the time granted by this court. There is no application praying for extension of time. In these circumstances this is a fit case to issue directions against respondent no. 6. However, we decline to do so for the present. We extend time for disposal of the revision applications which are pending before respondent no. 6 and which are subject matter of the present controversy by an additional period of 2 months from today. It is made clear that no further time will be granted. The learned AGP to communicate copy of this order to the respondent no. 6 forthwith.

4. Considering the above, the petition can now be disposed of by issuing following directions:

l) The Receiver appointed by this court to continue as Receiver till the disposal of the revision applications by respondent no. 6 and for a further period of 8 weeks thereafter, after which Receiver would stand discharged.

2) The respondent no.6 is directed to dispose of the revision applications preferred by respondent no. 9 as also revision application preferred by the applicant Shri Ramesh T Parwani within a period of 2 months from today.

. Rule is made absolute accordingly with no order as to costs.

. As the petition itself is disposed of, the Civil Application no.l985 of 2005 also stands disposed of.